

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JERAMIE CARLSSON,

Plaintiff,

v.

BYRON CRAGG, *et al.*,

Defendants.

Case No. 3:14-cv-00091-MMD-VPC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
VALERIE P. COOKE

Before the Court is the Report and Recommendation of United States Magistrate Judge Valerie P. Cooke (ECF No. 55) ("R&R") relating to two motions: (1) Defendants Gallop, Johnson and Tracy's ("Sparks' Defendants") Motion for Summary Judgment (ECF No. 45); and (2) Defendants Cragg and Connelly's ("Reno Defendants") Motion for Summary Judgment (ECF No. 47). Defendants had until April 25, 2016, to object to the R&R. To date, no objection has been filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a

1 magistrate judge's report and recommendation where no objections have been filed. See
2 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
3 of review employed by the district court when reviewing a report and recommendation to
4 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
5 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
6 view that district courts are not required to review "any issue that is not the subject of an
7 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
8 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
9 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
10 which no objection was filed).


11 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
12 determine whether to adopt Magistrate Judge Cooke's R&R. The Magistrate Judge
13 recommended that Reno Defendants' Motion (ECF No. 45) and Sparks' Defendants'
14 Motion (ECF No. 47) be denied. Upon reviewing the R&R and the underlying briefs, this
15 Court agrees with the Magistrate Judge's recommendations and will adopt the R&R in
16 full.

17 It is therefore ordered, adjudged and decreed that the Report and
18 Recommendation of Magistrate Judge Valerie P. Cooke (ECF No. 55) is accepted and
19 adopted in its entirety.

20 It is ordered that Sparks Defendants' Motion for Summary Judgment (ECF No.
21 45) is denied.

22 It is further ordered that Reno Defendants' Motion for Summary Judgment (ECF
23 No. 47) is denied.

24 DATED THIS 20th day of May 2016.

25
26 
27 MIRANDA M. DU
28 UNITED STATES DISTRICT JUDGE